

EXHIBIT B

Page 1

1
2 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

3 -----X
KRISTEN MERONE,

4
5 PLAINTIFF,

6 -against-

Case No.:

1:24-cv-08730

7
8 THE CITY OF NEW YORK, DANIEL G. GARCIA,
ROBERT A. HAKIUS, MATTHEW T. BRUCATO,
9 EDWARD P. SCIARRILLO AND JOHN and JANE DOE
1-10,

10 DEFENDANTS.

11 -----X

12
13 DATE: MAY 23, 2025

14 TIME: 10:05 A.M

15
16
17 DEPOSITION of the Defendant,
18 P.O. MATTHEW J. BRUCATO, taken by the
19 Plaintiff, pursuant to a court order and to
20 the Federal Rules of Civil Procedure, held
21 electronically via ZOOM, before Susan M.
22 Lanzetta, a Notary Public of the State of
23 New York.



1 PO BRUCATO

2 Q. Where you were the claimant?

3 A. Yes.

4 Q. Have you ever testified at a
5 deposition in connection with your
6 employment with the New York City Police
7 Department?

8 A. No.

9 Q. Were you working on January 14,
10 2022?

11 A. Yes.

12 Q. And what was your detail on
13 that day?

14 A. Sector David.

15 Q. And did you respond to a call
16 at 14 Wadsworth Avenue in Staten Island?

17 A. Yes.

18 Q. What was the basis of that
19 call?

20 A. It was a 52 family dispute.

21 Q. Can you explain what a 52
22 family dispute is?

23 A. It's a domestic dispute.

24 Q. And how did you receive that
25 call?

1 PO BRUCATO

2 A. Via radio.

3 Q. And were you working that day
4 alone or with a partner?

5 A. I was with a partner.

6 Q. Were you in a regular RMP at
7 the time you received that call?

8 A. Yes.

9 Q. And when you responded to 14
10 Wadsworth Avenue, did you engage your
11 lights and sirens?

12 A. Yes.

13 Q. And you had your body-worn
14 camera on you, as we established, and
15 filming that day?

16 A. Correct.

17 Q. Prior to reviewing that
18 footage, did you have any independent
19 recollection of the incident we're here to
20 talk about?

21 A. Yes.

22 Q. What did you remember?

23 A. It was really cold out that
24 night and just kind of the basic nature of
25 the job.

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1 PO BRUCATO

2 Q. Did you say the basic nature of
3 the job?

4 A. Yes.

5 Q. Specifically did you remember
6 anything else?

7 A. No.

8 Q. Approximately what time did you
9 arrive at 14 Wadsworth?

10 A. Approximately 22:20.

11 Q. And immediately upon arriving
12 at the scene, you were told -- were you
13 told that Ms. Merone suffered from some
14 mental illness?

15 A. Not immediately on scene, no.

16 Q. How long were you on scene
17 until you were told that?

18 A. Several minutes. Maybe a
19 minute.

20 Q. Somewhere between one and five
21 minutes, is that fair to say?

22 A. I would say so.

23 Q. So pretty soon after your
24 arrival on the scene you were told that Ms.
25 Merone had some mental health issues, is

1 PO BRUCATO

2 that fair?

3 A. Correct.

4 Q. And were you told that before
5 any of your interactions with Ms. Merone?

6 A. Yes.

7 Q. How did that information factor
8 into your plan or your approach for that
9 evening?

10 A. I'm sorry. Can you rephrase
11 that.

12 Q. When you received -- first,
13 I'll ask who did you get that information
14 from?

15 A. I believe it was her
16 ex-boyfriend at the time.

17 Q. So after you were told that Ms.
18 Merone had suffered from some mental
19 illness. What did you do with that
20 information? Did that factor into the way
21 you were going to approach the scenario in
22 any way?

23 A. Yeah, it would factor into the
24 situation.

25 Q. How so?



1 PO BRUCATO

2 force to get somebody to the hospital?

3 A. Like I said, it's all
4 circumstantial, it really depends on the
5 situation.

6 Q. Can you think of a specific
7 situation.

8 A. Not off the top of my head.

9 Q. Let's go to the definition
10 section of this Patrol Guide section. It
11 defines emotionally disturbed person as a
12 person who appears to be mentally ill or
13 temporarily deranged and is conducting
14 himself in a manner which a police officer
15 reasonably believes is likely to result in
16 serious injury to himself or others.

17 Was Ms. Merone acting in a
18 manner that you reasonably believed her to
19 likely result -- that would likely result
20 in serious injury to herself or to others?

21 A. To herself, yes.

22 Q. You are testifying now that she
23 was acting in a manner that risked serious
24 injury to herself?

25 A. Well, given the fact that she

1 PO BRUCATO
2 was outside herself all day from 10 a.m.
3 onward and it was approximately twenty
4 degrees outside, it's very well possible,
5 yes.

6 Q. I'm not asking if it's very
7 well possible. I'm asking if you
8 reasonably believed that she was acting in
9 a manner that was likely to result in a
10 serious injury to herself or others?

11 MR. KALMBACH: Objection.

12 A. Yes.

13 Q. So are you changing your
14 previous testimony?

15 MR. KALMBACH: You can answer.

16 A. So previously I testified to if
17 she would physically harm herself if
18 throwing herself off the balcony or using a
19 weapon.

20 Q. Did I ever ask you specifically
21 if she was going to throw herself off the
22 the balcony or use a weapon?

23 A. No.

24 Q. So after reviewing the
25 definition of an emotionally disturbed